UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

2.15 am 00021 DOLWCO

GREGORY N. LEONARD,) 5:13-cv-00031-RCJ-WGC
Plaintiff,	MINUTES OF THE COURT
vs.) May 23, 2016
GREG COX, et al.,)
Defendants .)))
	,
PRESENT: THE HONORABLE WILLIAM G.	COBB, U.S. MAGISTRATE JUDGE
DEPUTY CLERK: <u>KATIE LYNN OGDEN</u> R	REPORTER: NONE APPEARING
COUNSEL FOR PLAINTIFF(S): NONE APPEA	ARING
COUNSEL FOR DEFENDANT(S): NONE APP	EARING

MINUTE ORDER IN CHAMBERS:

CDECODY N. LEONADD

Before the court is Plaintiff's Request for Issue of Subpoenas "for the purpose of summoning witnesses to trial, or in the alternative, for the use of deposing witnesses." (ECF No. 42.)

To the extent Plaintiff seeks subpoenas to subpoena witnesses for trial, the motion is **denied** without prejudice as premature. To the extent Plaintiff wants subpoenas to depose witnesses or obtain documents via Rule 45, the motion is **denied without prejudice**. No scheduling order authorizing discovery has yet been entered in this matter. Plaintiff also does not indicate on whom he seeks to serve subpoenas.

Plaintiff can renew his motion at the appropriate time and identify those whom he seeks to serve subpoenas for depositions (trial subpoenas should await until after the case has been set for trial). Plaintiff is reminded that under Rule 45, if the subpoena requires attendance at trial or for deposition testimony, he must tender the fees for one day's attendance and mileage allowed by law. In addition, if Plaintiff wants to depose someone, he also has to arrange and pay for a deposition reporter as required by Rule 30(b)(3). It will also be Plaintiff's responsibility to serve the subpoenas.

Also before the court is Plaintiff's Motion to Stay Defendants' Motion for Summary Judgment (ECF No. 43). The court interprets Plaintiff's motion (ECF No. 43) as a Fed. Rule Civ. P. 56(d) motion which provides that:

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- (d) When Facts Are Unavailable to the Nonmovant. If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:
 - (1) defer considering the motion or deny it;
 - (2) allow time to obtain affidavits or declarations or to take discovery; or
 - (3) issue any other appropriate order.

The courtroom administrator shall calendar a hearing on Plaintiff's argument discovery is necessary in order for Plaintiff to be able to adequately oppose Defendants' motion for summary judgment. When scheduled, Plaintiff shall file a Notice of the Proposed Discovery Plaintiff desires to undertake and complete. At the hearing the court will also address whether a Scheduling Order under LR 16-1(b) should be entered in this matter.

The court **suspends** the deadline for Defendants to file a reply memorandum in support of their dispositive motion.

IT IS SO ORDERED.

LANC	ES. WILSON,	, CLERK	
By:	/s/		
<i>J</i>	Deputy Clerk		